

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JAY DOUGLAS JENSEN,
Plaintiff,

vs.

PATTI RATH,
Defendant,
and

UNITED STATES POSTAL SERVICE,
Garnishee.

8:22CV26

MEMORANDUM AND ORDER

This matter comes before the Court on the stipulation and joint motion to vacate and remand filed by the parties. [Filing No. 6](#). The Court grants the stipulation and joint motion.

Plaintiff, Jay Douglas Jensen, filed this action in the County Court of Douglas County, Nebraska, against Patti Rath. [Filing No. 1-1 at 1](#). Jensen obtained a judgment against Rath and attempted to garnish the United States Postal Service (“USPS”) as Rath’s employer. [Filing No. 1-1 at 3–7](#). The state court entered a garnishment judgment against USPS dated November 12, 2021. [Filing No. 1-1 at 25](#). USPS as garnishee removed the action to this Court on January 21, 2022. [Filing No. 1](#).

On February 17, 2022, USPS and Jensen filed the present stipulation. [Filing No. 6](#). They agree that Jensen’s attempts to garnish USPS in state court were not in compliance with the applicable federal regulations for garnishment of salaries of postal-service employees. [Filing No. 6 at 1](#) (citing [39 C.F.R. §§ 491.1–.9](#)). In particular, they agree Jensen did not serve the correct authorized agent and did not provide the garnishment interrogatories in sufficient legal form because they omitted Rath’s social security number. [Filing No. 6 at 1–2](#); see also [39 C.F.R. § 491.1](#) (designating authorized

agent to receive service in postal employee garnishment proceedings); 39 C.F.R. § 491.3 (defining sufficient legal form for postal employee garnishment documents, including that they must contain the garnished party's social security number). Thus, Jensen and USPS agree the state court's garnishment order against USPS dated November 12, 2021, was improper and should be vacated. [Filing No. 6 at 2](#); see *IDA, LLC v. Lewis*, No. CIVA 106CV-1557-JOF, 2006 WL 3253406, at *3 (N.D. Ga. Nov. 7, 2006) (vacating state-court order and remanding the case where the court determined the state court lacked subject-matter jurisdiction to enter a garnishment order when the garnishment procedures were deficient). The parties ask the Court to vacate the improper garnishment judgment and remand the matter to the County Court of Douglas County for Jensen to pursue proper garnishment procedures should he so chose. [Filing No. 6 at 3](#).

Having reviewed the matter, the Court finds the parties' stipulation should be granted.

IT IS ORDERED:

1. The parties' stipulation and joint motion to vacate and remand, [Filing No. 6](#), is granted. The County Court of Douglas County, Nebraska's garnishment judgment entered against USPS on November 12, 2021, is vacated, and this matter is remanded to the County Court of Douglas County for further proceedings; and
2. The Clerk of the Court is directed to send a certified copy of this Memorandum and Order to the Clerk of the County Court of Douglas County, Nebraska.

Dated this 19th day of April, 2022.

BY THE COURT:
s/ Joseph F. Bataillon

Senior United States District Judge